

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NATHANIEL WALKER,)	
)	
Plaintiff,)	Civil Action No. 2:13-cv-601
)	
v.)	Judge Joy Flowers Conti
)	Chief Magistrate Judge Lisa Pupo
REYNE M. KACSUTA and KATHY)	Lenihan
HECKER,)	
)	
Defendants.)	
)	
)	

MEMORANDUM ORDER

The complaint and Motion for Leave to Proceed *In Forma Pauperis* in this civil action were received by the Clerk of Court on April 26, 2013. The Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1) filed by plaintiff Nathaniel Walker ("Plaintiff") was granted on April 29, 2013 and the complaint (ECF No. 2) was filed on that same date. The case was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

Prior to service of the complaint, the magistrate judge conducted a review of the allegations contained therein, in accordance with the directives in 28 U.S.C. §1915(e). Thereafter, the magistrate judge issued a Report and Recommendation (ECF No. 3) on May 13, 2013, recommending that the complaint (ECF No. 2) be dismissed with prejudice in part and without prejudice in part, under 28 U.S.C. § 1915(e)(2)(B). In particular, the magistrate judge recommended that the complaint be dismissed with

prejudice to the extent Plaintiff seeks to have the court determine that defendants have committed crimes under federal or state law and/or impose criminal fines. The magistrate judge further recommended that the complaint be dismissed without prejudice with respect to Plaintiff's civil claims, and that Plaintiff be allowed leave to file an amended complaint to cure the deficiencies identified in the Report and Recommendation.

Service of the Report and Recommendation was made on Plaintiff at his address of record, 541 Lowell Street, Pittsburgh, Pennsylvania 15206. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, he had fourteen (14) days to file any objections. As of this date, Plaintiff has not filed any objections to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 13th day of June, 2013,

IT IS HEREBY ORDERED that the complaint filed by Plaintiff Nathaniel Walker (ECF No. 2) is **DISMISSED WITH PREJUDICE IN PART AND WITHOUT PREJUDICE IN PART**. Specifically, the complaint (ECF No. 2) is **DISMISSED WITH PREJUDICE** to the extent Plaintiff seeks to have the court determine that defendants have committed crimes under federal or state law and/or impose criminal fines.

IT IS FURTHER ORDERED the complaint is **DISMISSED WITHOUT PREJUDICE** with respect to Plaintiff's civil claims, and that Plaintiff shall be allowed

leave to file an amended complaint within 21 days of the date of this Order, ***as to his civil claims only***, to cure the deficiencies identified in the Report and Recommendation. Dismissal of the civil claims *with prejudice* may be ordered if a timely amendment is not filed. If Plaintiff does not wish to file an amended complaint, he may file an appropriate notice with the court asserting his intent to stand on the original complaint (ECF No. 2), at which time the court may enter an order dismissing the entire action with prejudice without further notice to Plaintiff.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 3) of Chief Magistrate Judge Lenihan, dated May 13, 2013, is adopted as the opinion of the court.

BY THE COURT:

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Nathaniel Walker
541 Lowell Street
Pittsburgh, PA 15206
Via First Class U.S. Mail